Technology For Legal Services Clients

Tim Watson, Program Counsel
Legal Services Corporation

In the last two decades, changes in technology have been mirrored by significant social and commercial transformations in the nation. During this time the capacity of the nation's communications 'backbone' has been multiplied many times over with fiber optic installations, and personal computers have been acquired by over half the households in the country. These dual technological leaps have coalesced to radically alter our culture, both in the way we do business and in the way we communicate with one another. In the context of the delivery of legal services, clients must understand that the changes wrought by technology are *not limited* to middle income Americans. Even the nation's low-income population will inevitably have access to, and use, the Internet and other technologies on a daily basis. Various applications of new technologies in the delivery of legal services are being explored in LSC's $11 million Technology Initiative Grants program. Many of these projects will encourage and even require clients to use new technologies.

Clients will be a part of the information revolution. Much information has been published about the "digital divide," i.e., the gap between middle and low-income families in their knowledge of, access to, and use of the Internet and other technologies. While it is important for the advocacy community to understand the nature and impact of this fundamental inequity, it is equally important for advocates and clients alike to understand that the divide is closing more rapidly than was

anticipated by most earlier prognostications and that *the client population will enjoy meaningful, functional access to the informational riches that have been opened to the rest of the nation*.

The demographics of computer ownership and Internet access are instructive.[1] More than half of the country's population have computers in the home and have access to the Internet.[2] However, the incidence of computer ownership and Internet access falls sharply and with statistical regularity as household income and educational level declines. More than 75% of the holders of college degrees are online, compared with 30% for people with only high school educations. This incidence is almost exactly paralleled using income as a factor. The combined factors of education and income produce an even more pronounced effect: Only approximately 5% of the households with less than $15,000 per year income and no one having a high school education have a computer. By contrast, 80% of those with incomes of $75,000 or more and college educations have computers.

Although it is less direct than with income and education, there is also a relationship between the incidence of computer ownership and cultural and racial factors. Slightly over 50% of the white population enjoys ownership. The Hispanic

[1] All statistics used in this presentation are derived or taken directly from the study conducted by the National Telecommunications and Information Administration, U.S. Department of Commerce, between November of 1998 and August of 2000. In some cases, the numbers suggested in this paper are almost-assured extrapolations (either mine or the Department's) beyond the end-date of the study to the present. In some instances, related statistics have been combined for brevity. For the NTIA's report, *Falling through the Net: Toward Digital Inclusion*, visit http://www.digitaldivide.gov/reports.htm.

[2] Although there was once a large difference between the incidence of computer ownership and the incidence of Internet access, the two figures are now much closer together. They will never exactly coincide, but the trend toward convergence is substantial enough that for the purposes of this paper, reference to computer ownership includes Internet accessibility.

and African-American populations experience only about half the ownership of whites, and the Asian Pacific population's incidence of ownership exceeds the white figure by as much as 10 percentage points. According to some of the data, the lower incidence of ownership in the African-American and Hispanic population is only partially attributable to lower education and income.

There are good reasons –both statistical and otherwise- to predict that the divide will close substantially. Internet usage by the African American and Hispanic populations grew at the respective rates of 110% and 87% over twenty-two months, far exceeding any other growth rates. The usage gap between homes with disparate educational levels is also closing. Internet usage increased in college educated population by less than 25%, but in the population whose education is limited to high school diplomas, the increase was more than 50%.

More important than the figures themselves, it is important to understand the forces that will bring about the inevitable inclusion of all demographic groups in the information transformation. With over half of the nation's families logging on to web sites for email, research, news, weather, sports, educational courses, shopping, and job hunting, the Internet is big business. Internet Service Providers (ISP's) need customers. In addition to monthly consumer fees for Internet service, a large customer base generates advertising income for an ISP and provides numerous opportunities for it to enter into commercial ventures with other entities interested in its customer base. ISP's therefore offer deep discounts in their monthly fees to new subscribers and even enter into agreements with the equipment companies whereby

purchasers of new net-ready computers receive rebates and discounts *almost equal to the purchase price,*[3] provided the purchaser enter into a contract (sometimes lengthy) with the ISP for Internet services.

Even without discounts and rebates, prices for net-capable computers continue to plummet. Today a complete system, usually with printer, can be purchased for $1,000 or less. It will be 50 times faster than a computer that would have cost 4 times as much in the late 80's, and will have hundreds of times more drive space, more connection ports, and more built-in devices. Adjusting for inflation, the net-ready computer will soon probably be an economic hurdle not much worse than was the purchase of a color TV in the 70's.

Market forces are also creating methods of Internet access other than the "home computer" model. Web-TV devices and Internet Appliances manufactured by NIC, 3Com, Nada PC, and Compaq, among others, provide consumers with low-cost alternatives for Internet access. Some of these devices, such as web terminals and web tablets, are new to the market. Their features (touch screens, stylus) and connection types (dial-up, DSL, cable) offer considerable variety to the consumer. Some require the use of a specified ISP. The prices and packages vary considerably; the lower range is $200-$650.[4]

Departing from both the "home computer" and the "home Web appliance " scenarios for Internet access, 20 % of all private Internet use occurs outside the home,

[3] I recently saw a fine net-ready computer with color monitor and scanner for a total of approximately $150 after discounts and rebates, but with a hefty subscription to the ISP.
[4] For more information, search "Internet appliances" on the web.

most often in the workplace. Other locations for non-home Internet use include educational institutions (25% or higher) and public libraries (10%). Further, Internet work stations are increasingly evident in a variety of commercial locations, such as coffee shops, bookstores, print shops, and airport lounges.

If indeed, we can properly conclude –perhaps ineluctably so—that the legal services client population will have access to the new information technologies and the Internet, the Legal Services Corporation can have significant impact on the technologies that are employed to contact, screen, interview, and represent clients, and to disseminate community legal information and self-help information.

Clients are the focus of the Legal Services Corporation Technology Initiative Grant (TIG) Program. In 2000, LSC committed $4 million to technology projects by LSC recipients and will increase that amount by $7 million this year. The TIG program will directly benefit the client population and require their active participation, resulting in:

- Faster, seamless intake
- More client access to advocates with less travel
- More self-help information and forms
- Increased court assistance
- Advocates who are better trained & better informed
- Increased Pro bono involvement
- More client knowledge about using technology
- More efficient use of resources

The TIG projects listed hereafter are selected from the 2000 grantees and are particularly noteworthy for their client orientation and their inclusion of clients in the use of the new information technologies:

Legal Services Agency of Western Carolina – *South Carolina*- $500,000[5]

This $1.8 million statewide technology project, entitled "Partners for Justice," will set up a virtual legal aid office in every county of the state, including 23 counties that do not have legal services offices. Each of these virtual law office workstations will consist of computer, monitor, scanner, printer, microphone, and video camera. These virtual law offices will offer self-help videos and clinics and real-time video-conferencing between staff and client. Clients will be able to obtain court pleadings from the clinics or the project's web site.

DNA – People's Legal Services – *Arizona and region* - $245,000

This project, entitled "Computers That Speak of the Law,"[6] employs high-speed satellite connections and broadband lines to communicate with kiosks in remote offices in Utah, Arizona, and New Mexico -- all served by this Native American program. These kiosks will have touch-screen capability and will consist of monitor, computer, printer, and web camera. By touching symbols and text in Navajo, Hopi, and English, users and clients will select, view, and print community legal education information, pro se forms, and social services information from the project web site. DNA will create digital video, audio and text files containing *pro se* and community

[5] The amount shown in each project heading is the amount funded by LSC. In many cases, the total for the project is much higher.

legal education resource materials, and will transmit this information, including updates and additions, to all offices simultaneously through the remote server in northern Arizona.

Legal Aid Society of Hawaii - $460,140

This technology project, totaling almost $800,000, will improve access to justice for remote clients.

- By using video-capable workstations on remote islands, clients can have face-to-face interviews with legal aid attorneys.
- Self-help materials, volunteer lawyers, translators, and service agencies will be included on a web site accessible by clients.
- The project will train state library personnel to use the library system's Internet computers to help clients access the web site.

Middlesex County Legal Services Corporation – *New Jersey* - $266,046

By using T-1 lines[7] and enhancing the hardware in the statewide WAN (wide area network), clients and lawyers will use Voice Over IP (VOIP) technology to use computer workstations to see and speak to one another through Internet connections. Clients will be able to watch instructional video clips about the legal system.

Legal Aid Services of Oregon - $174,359

This pro se online information project is designed to complement the state's Online Court Forms And Electronic Filing Project. In this addition, pro se litigants who

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[6] Translated from the Navajo: Naalkidi bee haz'aanii yaa halne'

[7] T-l lines and, to a lesser degree, DSL lines allow more information to travel through a line in any given instant by allowing transmissions in a greater range, or band, of frequencies. (Hence we have the term *broadband*.)

access the state's centralized web site in marriage dissolution cases will link to a legal services web site containing legal information about the court forms on the central state site. This information will assist pro se litigants in completing the forms. Fifteen workstations will be set up in legal services offices and in the offices of collaborating social services providers in communities throughout Oregon.

Legal Aid Bureau – *Maryland* - $47,000

In conjunction with the Maryland Legal Assistance Network (MLAN), this project will equip ten sites with legal self-help stations to increase client access to self-help materials online and telephonic advice through the MLAN hotlines, as well as to the existing on-site pro se project staff. Each self-help station will consist of computer, modem, heavy-duty telephone, and printer. Clients will have access to the wide variety of legal information, self-help information, and court forms that are already available in the Maryland statewide legal aid community

Legal Aid Society of Orange County – *California* - $175,000

This project, entitled I-CAN (Interactive Community Assistance Network), will make pro se information available through a web site and through Internet interactive self-help kiosks. Clients accessing this multi-lingual system will view video clips explaining the law, complete court forms on screen, and then electronically file them in a variety of proceedings, including domestic violence, unlawful detainers, and paternity actions. I-CAN will also be tied into the legal system's provider community to expedite access and referral. In its initial phase, the system will employ five high-speed computers as servers and four touch-screen kiosks.

Legal Aid of Western Michigan - $175,000

This project will set up workstations in 35 community sites in remote areas served by Legal Services of Northern Michigan. Each workstation will consist of computer, scanner, and digital video camera. Clients will access a web site in order to review and download useful legal information, including substantive pro se materials developed pursuant to this grant. Clients can also carry on direct conversations with advocates and will have the ability to send legal documents and other papers to advocates through scanners and associated software.

Lehigh Valley Legal Services – *Pennsylvania* - $99,670

This project creates a partnership between legal services organizations and courts to create Family Law Help Desks. At the courthouse, court clerk personnel will help pro se litigants access a website for pro se manuals, commonly used forms, self-help information, and procedures in support, custody, divorce, and abuse cases. The web site can be accessed by anyone using the Internet. Forms that are downloaded will contain codes to allow tracking through the court system. The project will first be established in two counties and then expanded to five more.

Pine Tree Legal Assistance – *Maine* - $115,000

This project creates the HelpMeLaw web site, which will combine information from multiple web sites in the state of Maine. This web site will be a dual portal to information for both advocates and clients. Volunteers from a statewide group of senior citizens (CyberSeniors) will encourage and train clients to access the web site in schools and public libraries. The web site will contain interactive court pleadings,

local community resources, live audio video conferencing between client and attorney, and legal education materials. The latter will be multilingual and will include legal primers, community legal education materials, and streaming (moving video – as opposed to still shots) instructional videos on such subjects as court proceedings and directions to the courtroom.

West Virginia Legal Services Plan, Inc. - $38,100

This project will allow clients to apply for legal services while visiting the statewide web site. Clients will provide information about their eligibility and their legal matters by answering questions on the web. Their answers will generate self-help materials and automatically link them to self-help materials on the state Supreme Court's web site.

Ohio State Legal Services Association - $46,500

The Domestic Violence Computer Pilot Project (DVCPP) will develop a web-based court preparation and tutorial system designed to increase client access to, and successful navigation through, the courts by providing online pro se assistance and educational resources to domestic violence victims and the lay advocates and shelter staff who assist them. Domestic violence victims and will be able to access the site and tutorial from three locations. Shelter staff and victims advocates will receive training concerning use of the site.